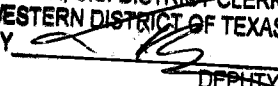


**FILED**

APR 19 2016

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**BOLA ELEMUREN, M.D.  
PROFESSIONAL ASSOCIATION**

§  
§  
§  
§  
§  
§

**CRIMINAL NO. W-16-CR-050**

**REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

**TO: THE HONORABLE UNITED STATES DISTRICT JUDGE**

The Magistrate Court submits this Report and Recommendation to the District Court pursuant to 28 U.S.C. § 636(b)(3). The United States District Court referred this case to the United States Magistrate Judge for the taking of the defendant's felony guilty plea and for his allocution pursuant to Federal Rule of Criminal Procedure 11.

On April 19, 2016, the defendant and counsel appeared before the Magistrate Court. The undersigned addressed the defendant personally in open court, informed him of the admonishments under Rule 11 of the Federal Rules of Criminal Procedure, and determined that he understood those admonishments. Pursuant to a plea agreement, the defendant entered a plea of guilty to the Information charging him with Misprision of a Felony, in violation of 18 U.S.C. § 4.

### **FINDINGS**

The Magistrate Judge finds the following:

1. The defendant, with the advice of his attorney, consented to enter this guilty plea before the Magistrate Judge, subject to final approval and sentencing by the District Judge;
2. The defendant fully understands the nature of the charges against him and possible penalties;
3. The defendant understands his constitutional and statutory rights, understands his constitutional and statutory rights can be waived, and understands the meaning and effect of waiving his constitutional and statutory rights;
4. The defendant understands the terms and conditions of his plea agreement, and knowingly waives his right to appeal and his rights under 28 U.S.C. § 2255;
5. The defendant is satisfied with his attorney and has no complaints regarding his representation;
6. The defendant's plea was made freely and voluntarily;
7. The defendant is competent to enter this guilty plea; and
8. There is a factual basis for this plea.

### **RECOMMENDATION**

The Magistrate Court **RECOMMENDS** the District Court accept the guilty plea and, after reviewing the presentence investigation report, enter a Final Judgment of guilty against the defendant.

### **WARNING**

The parties may file objections to this Report and Recommendation. A party filing objections must specifically identify those findings or recommendations to which objections are being made. The District Court need not consider frivolous, conclusive, or general objections. See Battle v. United States Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987).

A party's failure to file written objections to the proposed findings and recommendations contained within this Report within fourteen (14) days after being served with a copy of the Report shall bar that party from de novo review by the District Court of the proposed findings and recommendations and, except upon grounds of plain error, shall bar the party from appellate review of proposed factual findings and legal conclusions accepted by the District Court to which no objections were filed. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150–53, 106 S.Ct. 466, 472–74 (1985); Douglass v. United Servs. Auto. Assoc., 79 F.3d 1415, 1428–29 (5th Cir. 1996) (en banc).

To the extent that a party has not been electronically served by the Clerk with this Report and Recommendation pursuant to the CM/ECF procedures of this District, the Clerk is directed to mail such a party a copy of this Report and Recommendation by certified mail, return receipt requested.

SIGNED this 19<sup>th</sup> day of April, 2016.



JEFFREY C. MANSKE  
UNITED STATES MAGISTRATE JUDGE